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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-6063-2022

DATE OF ORDER: 20.12.2022

Jagjit Singh (since deceased) through his LR Damanjit SinghPetitioner

Vs.

Baljit Singh & others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Sherry K. Singla, Advocate for the petitioner.

Nidhi Gupta, J.

Prayer in this Revision Petition is for setting aside order dated 06.10.2022 passed by Additional Civil Judge (Senior Division), Amloh whereby evidence of the petitioner/plaintiff has been closed.

It is inter alia submitted by learned counsel for the petitioner that issues in the present case were framed on 23.01.2020. However, evidence could not be led thereafter as proceedings before the trial Court were not conducted due to Coronavirus pandemic and consequently, the Courts were closed pursuant to orders passed by this Court. It is also stated that perusal of zimni orders will show that the petitioner has not been granted sufficient opportunity to lead evidence. Upon resumption of work, the petitioner/plaintiff tendered his affidavit dated 14.07.2022 in evidence. Subsequently, the petitioner had filed an application for correction of a mistake in the said affidavit, which was permitted by the learned trial Court vide order dated 08.09.2022. It is

submitted that vide impugned order, the learned trial Court has closed the evidence of the petitioner on the ground that the case is more than six years old. It is however, submitted that perusal of zimni orders for the relevant period shows that the case was adjourned time and again due to Coronavirus pandemic.

After hearing learned counsel for the petitioner, issuance of notice of motion is dispensed with at this stage, as it will only cause further delay in disposal of the case.

In view of the above said submissions made on behalf of the petitioner, this petition is allowed and the impugned order dated 06.10.2022 is set aside. The Ld. Trial Court is directed that one effective opportunity be granted to the petitioner to conclude his entire evidence, however, subject to payment of Rs.5.000/- as costs, to be paid to the respondent.

20.12.2022

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No